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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,
10 Plaintiff,
11 v.
12 JOHN HOLCOMB,
13 Defendant.

Case No. CR21-075-RSL

ORDER GRANTING
UNOPPOSED MOTION TO
CONTINUE TRIAL AND
PRETRIAL MOTIONS DUE
DATE

15 This matter comes before the Court on defendant's "Unopposed Motion to Continue Trial
16 and Pretrial Motions Dates." (Dkt. # 70). Having considered the facts set forth in the motion,
17 and defendant's knowing and voluntary waiver (Dkt. # 71), the Court finds as follows:

18 1. The Court adopts the facts set forth in the unopposed motion: in particular, the
19 defense requires additional time to provide informed answers to the questions posed by the
20 Court regarding the government's motion for reconsideration of the Court's suppression order.
21 See Dkts. # 58, 65, 67. The Court accordingly finds that a failure to grant a continuance would
22 deny counsel, and any potential future counsel, the reasonable time necessary for effective
23 preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C.
24 § 3161(h)(7)(B)(iv).

25 2. The Court finds that a failure to grant a continuance would likely result in a
26 miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

27 3. The Court finds that the additional time requested between the current trial date of
28 June 27, 2022, and the proposed trial date of October 17, 2022, is a reasonable period of delay.
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1 The Court finds that this additional time is necessary to provide defense counsel reasonable time
2 to prepare for trial, as defendant has requested more time to prepare for trial, to continue to
3 investigate the matter, to gather evidence material to the defense, and to consider possible
4 defenses. The additional time requested between the current trial date and the new trial date is
5 necessary to provide counsel for the defendant the reasonable time necessary to prepare for trial,
6 considering all of the facts set forth above.

7 4. The Court further finds that this continuance would serve the ends of justice, and
8 that these factors outweigh the best interests of the public and defendant in a speedier trial,
9 within the meaning of 18 U.S.C. § 3161(h)(7)(A).

10 5. Defendant has signed a waiver indicating that he has been advised of his right to a
11 speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived
12 that right and consented to the continuation of his trial to a date up to and including January 1,
13 2023, Dkt. # 71, which will permit his trial to start on October 17, 2022.

IT IS HEREBY ORDERED that the trial date shall be continued from June 27, 2022 to October 17, 2022, and pretrial motions are to be filed no later than September 19, 2022;

IT IS FURTHER ORDERED that the period of time from the current trial date of June 27, 2022, up to and including the new trial date, shall be excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B).

IT IS FURTHER ORDERED that the government's "Motion to Continue Trial" (Dkt. # 64) is DENIED as moot.

23 || DATED this 27th day of June, 2022.

Mrs Casnik

Robert S. Lasnik
United States District Judge

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